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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/994,195      | 11/26/2001  | Thomas Reisinger     | GR 99 P 1912        | 8292             |

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EXAMINER

ZIMMERMAN, BRIAN A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2635

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DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/994,195

Applicant(s)

REISINGER ET AL.

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**Specification**

The amendment filed 7/13/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention.

repeat The added material which is not supported by the original disclosure is as follows: the specific frequencies of 315 and 915 MHz is not supported by the specification as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

w/d 1. Claims 14 and 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specific frequencies of 315 and 915 MHz are not supported by the specification as originally filed.

**Claim Rejections - 35 USC § 102**

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1,4,5,7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wood, Jr. (6104333), hereafter referred to as Wood.

Wood shows an access system, see col. 19 lines 18+. The system includes an interrogator 26 sending an interrogation signal, and a transceiver 20 responding to the interrogation signal by sending an access code. Each transceiver responds simultaneously using different spreading codes as claimed. See col. 7 lines 50+. The transceivers use direct sequence spread spectrum, which avoids collision and increases security. It is known that orthogonal sequences are needed in order to perform DSSS multiplexing. Wood also shows the use of frequency hopping which is known to provide bandwidth efficiency and improve security.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8,10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood as applied to claim 1 above, and further in view of Barham et al (5432813).

In an analogous art, Barham shows the advantages in using parallel processing in a DSSS system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Barham in the DSSS system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Regarding claims 11-15, the examiner takes official notice that communication system typically use the various frequencies claimed, and that the use of such 'known' frequencies would have been well within the knowledge of the artisan at the time of the invention.

4. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood and Barham as applied to claims 1 and 8 above, and further in view of Anderson (4868915).

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In an analogous art, Anderson shows the use of an interrogation transponder system for enabling access to the motor vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the interrogation-tag system discussed above to access a vehicle in order to provide hands free operation of the vehicle lock, and increase security.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood as applied to claim 1 above, and further in view of MacLellan (5940006).

MacLellan shows a plurality of transceivers, which respond to an interrogator. Each transceiver uses it's own spreading code to enable collision free communication. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used different spreading codes in the DSSS system discussed above, in order to avoid collision between transceivers, as shown by MacLellan.

6. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, MacLellan and Barham as applied to claims 1,3 and 8 above, and further in view of Lanzl (6353406).

In an analogous art, Lanzl shows the use of chirp sequence processing, and the use of a transversal filter to demultiplex, as a method for conducting spread spectrum multiplexing. See col. 11 lines 67+. Since, it has been shown to use different spread spectrum processes in the combination above, it is the examiner's position that the use of other spread spectrum techniques would also

have been obvious at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any other spread spectrum technique in the above system in order to provide the same bandwidth efficiency and security as discussed above.

7. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood as applied to claim 1 above, and further in view of Tu et al (5682403).


In an analogous art, Tu shows the advantages in using parallel processing in a frequency hopping system. Such processing occurs at the RF band. See figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Tu in the frequency hopping system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Monday thru Friday 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

BAZ  
May 16, 2003



BRIAN ZIMMERMAN  
PRIMARY EXAMINER